

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

DAVID ROBERTS,

Plaintiff,

vs.

CITY OF OMAHA, et al.,

Defendants.

8:11CV129

ORDER

This matter is before the court on the Mandate issued by the United States Court of Appeals for the Eighth Circuit (Filing No. 96). Previously, the court entered an order requiring the parties to schedule a conference within ten days after filing of the mandate. **See** Filing No. 94. Counsel for the plaintiff notified the court of the plaintiff's intention to file a writ of certiorari with the United States Supreme Court. Accordingly,

IT IS ORDERED:

This case is stayed pending the plaintiff's election to file a writ of certiorari. If the plaintiff files a writ of certiorari, the case is stayed until resolution of the matter by the United States Supreme Court. After either the resolution of the matter by the United States Supreme Court or the time for filing a writ has passed without such filing, the plaintiff shall have ten days to schedule a pretrial conference with the undersigned magistrate judge and participating counsel.

Dated this 16th day of September, 2013.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge